

105TH CONGRESS
1ST SESSION

H. R. 2952

To amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1997

Mr. KENNEDY of Massachusetts introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indoor Air Act of
5 1997”.

6 **SEC. 2. COORDINATION.**

7 The Administrator shall consult and coordinate with
8 the Secretary of Labor, the Secretary of Energy, the Di-

1 rector of the National Institute for Occupational Safety
2 and Health, the Consumer Product Safety Commission,
3 and other appropriate agencies in implementing this Act.

4 **SEC. 3. GUIDELINES FOR IDENTIFYING, REDUCING, AND**
5 **PREVENTING SIGNIFICANT INDOOR AIR**
6 **HEALTH RISKS.**

7 (a) LIST.—Not later than 4 years after the enact-
8 ment of this Act, the Administrator shall, after notice and
9 opportunity of at least 90 days for public comment, pub-
10 lish a list of common significant indoor air health risks.
11 In identifying a common significant indoor air health risk,
12 the Administrator shall use the best reasonably available
13 scientific data.

14 (b) GUIDELINES.—Concurrently with the listing of
15 each common significant indoor air health risk under sub-
16 section (a), the Administrator shall, after notice and op-
17 portunity of at least 90 days for public comment, publish
18 voluntary guidelines for identifying, reducing, and pre-
19 venting the common significant indoor air health risk.
20 Such guidelines may include information and a range of
21 recommendations for operation and maintenance of exist-
22 ing buildings, the design and construction of new build-
23 ings, building renovation, and such other activities as nec-
24 essary to identify and reduce or prevent the common sig-
25 nificant indoor air health risks listed under subsection (a).

1 The guidelines shall achieve significant risk reduction, be
2 technologically achievable and readily implementable, take
3 into consideration safety, energy, and other relevant fac-
4 tors, include an assessment of their effectiveness and cost,
5 and be based on available research and expertise and the
6 study priorities established by the Administrator pursuant
7 to subsection (e).

8 (c) REVIEW AND REVISION.—The Administrator
9 shall periodically review and, as necessary, after notice
10 and opportunity of at least 90 days for public comment,
11 revise the list of common significant indoor air health risks
12 and the guidelines published under this section. At a mini-
13 mum, a review and revision shall be completed not later
14 than 4 years after the initial publication of the list and
15 guidelines.

16 (d) CONSISTENCY WITH INDOOR AIR REGULATIONS
17 OF OTHER FEDERAL AGENCIES.—The Administrator
18 shall, after consultation with the Secretary of Labor, in-
19 sure that the guidelines under this section are fully con-
20 sistent with any Federal workplace regulations addressing
21 indoor air quality risks. The guidelines may recommend
22 such additional voluntary actions as may be necessary to
23 protect persons other than workers covered by such regu-
24 lations from common significant indoor air health risks
25 listed under subsection (a). The Administrator shall, after

1 consultation with the Secretary of Energy, insure that the
2 guidelines under this section are consistent with applicable
3 energy conservation and efficiency laws and regulations
4 administered by the Secretary.

5 (e) PRIORITY FOR INDOOR AIR HEALTH STUDIES.—

6 The Administrator shall, subject to the availability of ap-
7 propriations and using existing authorities, give priority
8 to conducting and providing financial or other assistance
9 to studies concerning indoor air quality, including the fol-
10 lowing:

11 (1) Human exposure to indoor air pollutants,
12 including baseline levels of exposure in various types
13 of buildings.

14 (2) The sources of indoor air pollutants.

15 (3) The effects on human health of indoor air
16 pollutants, including additive, cumulative, and syner-
17 gistic effects on the general population and sub-
18 populations particularly at risk.

19 (4) Methods for identifying, reducing, and pre-
20 venting common significant indoor air health risks.

21 Appropriate studies, such as those under paragraph (1)
22 and (3), shall be subject to peer review.

23 **SEC. 4. INDOOR AIR CONTRACTORS.**

24 (a) REPORT.—Not later than 2 years after the com-
25 mencement of fiscal year 1996, and after notice and op-

1 portunity of at least 90 days for public comment, the Ad-
2 ministrator shall submit a report to Congress on persons
3 operating contractor businesses engaged in the identifica-
4 tion, reduction, and prevention of significant indoor air
5 health risks. Such report shall identify the types or classes
6 of contractors regularly engaged in identifying and reduc-
7 ing or preventing significant indoor air health risks and
8 shall determine the need for a program to certify contrac-
9 tors engaged in 1 or more activities relating to the identi-
10 fication and reduction or prevention of significant indoor
11 air health risks, taking into account costs, benefits, the
12 availability of persons with adequate training, experience,
13 and expertise, the funds needed for such a program, and
14 other relevant factors. The report shall also consider
15 whether such a program should be carried out by the Ad-
16 ministrator directly or by contract, or by another Federal
17 agency or by State or local government.

18 (b) CERTIFICATION.—(1) Based on the report under
19 subsection (a), not later than 2 years after the report re-
20 quired by subsection (a) is submitted to Congress, and
21 after notice and opportunity of at least 90 days for public
22 comment, the Administrator shall establish a program to
23 provide for the certification of contractors engaged on a
24 regular basis in the identification of common significant
25 indoor air health risks. Based on the report under sub-

1 section (a), and after notice and opportunity of at least
2 90 days for public comment, the Administrator may also
3 establish a program to certify appropriate contractors en-
4 gaged in the reduction or prevention of common signifi-
5 cant indoor air health risks.

6 (2) No person may be certified under any program
7 established under paragraph (1) unless, at a minimum—

8 (A) such person demonstrates an ability to com-
9 ply with the guidelines established under section 3;
10 and

11 (B) individuals engaged in the identification, re-
12 duction, or prevention of common significant indoor
13 air health risks on behalf of such person complete an
14 appropriate course of training, as defined by the Ad-
15 ministrator.

16 Persons certified under this subsection shall comply with
17 the guidelines under section 3 when engaged in the identi-
18 fication, reduction, or prevention of common significant
19 indoor air health risks.

20 (c) FEES.—A reasonable nondiscriminatory annual
21 fee for the certification of persons under this section shall
22 be imposed by the Administrator or by such other agency
23 or contractor that operates the program. The fee shall be
24 periodically established at such level as is necessary to
25 cover all costs of the certification program under this sec-

1 tion. Such fees shall be structured such that a person's
2 liability for such fees is reasonably based on the proportion
3 of the program's operating costs that relate to such per-
4 son, and such person's liability for such fees shall not be
5 based on the income of such person. Such fees, if collected
6 by the Administrator, shall be available, subject to appro-
7 priations, to the Administrator to pay for such costs or
8 to reimburse another Federal agency or a State or local
9 government. The collection and use of fees shall be audited
10 by the Administrator.

11 (d) SUSPENSION OR REVOCATION.—The Adminis-
12 trator may suspend or revoke any certification issued
13 under this section whenever the Administrator determines,
14 after notice of at least 60 days to such person, that the
15 holder of the certification has violated any requirement of
16 this section or condition of such certification. Any person
17 whose certification is proposed to be suspended or revoked,
18 or whose certification is denied, by the Administrator shall
19 be entitled to an administrative hearing.

20 (e) PARTICIPATION.—Participation in the certifi-
21 cation program under this section shall be voluntary.

22 **SEC. 5. PUBLIC AWARENESS.**

23 (a) INFORMATION.—The Administrator shall publish
24 and disseminate—

1 (1) the list of common significant indoor air
2 health risks under section 3,

3 (2) the guidelines under section 3 for identify-
4 ing, reducing, and preventing common significant in-
5 door air health risks, and

6 (3) the indoor air health advisories under sub-
7 section (b).

8 (b) INDOOR AIR HEALTH ADVISORIES.—The Admin-
9 istrator shall, after notice and opportunity of at least 90
10 days for public comment, and after review and comment
11 by the Science Advisory Board, publish health advisories
12 addressing the health effects of common significant indoor
13 air health risks. Each health advisory shall, at a mini-
14 mum—

15 (1) describe the adverse human health effects of
16 a common significant indoor air health risk, includ-
17 ing the risk to vulnerable subpopulations;

18 (2) characterize the causes of the significant in-
19 door air health risk; and

20 (3) summarize the guidelines under section 3
21 for identifying, reducing, and preventing the signifi-
22 cant indoor air health risk.

23 The Administrator shall publish a health advisory for a
24 common significant indoor air health risk at the same time

1 that the Administrator publishes guidelines for such
2 health risk under section 3.

3 **SEC. 6. HEALTHY BUILDINGS PROGRAM.**

4 The Administrator shall, after notice and opportunity
5 of at least 90 days for public comment, develop a vol-
6 untary program to provide Federal recognition to build-
7 ings that are operated and maintained, taking into consid-
8 eration all uses of the building, to prevent or minimize
9 common significant indoor air health risks in an exem-
10 plary manner while at the same time providing significant
11 energy efficiency benefits and for which there are no out-
12 standing indoor air quality citations by other agencies.
13 Such recognition shall be based on objective, nondiscrim-
14 inatory criteria.

15 **SEC. 7. STATE AND LOCAL INDOOR AIR HEALTH GRANTS.**

16 (a) IN GENERAL.—The Administrator may provide
17 grants to States and to local governments to develop and
18 implement programs proposed by any such State or local
19 government to identify, reduce, and prevent common sig-
20 nificant indoor air health risks.

21 (b) FEDERAL SHARE OF FUNDING.—The Federal
22 share of grants under this section shall not exceed 75 per-
23 cent of the costs incurred in developing and implementing
24 such programs. Such share shall be based on the availabil-
25 ity of funds appropriated annually and shall supplement

1 State funds for this purpose. The Administrator, in mak-
2 ing such grants, shall seek to treat all States equitably.

3 **SEC. 8. BUILDING HEALTH ASSESSMENT PROGRAM.**

4 (a) **AUTHORITY.**—The Director of the National Insti-
5 tute for Occupational Safety and Health shall implement
6 a Building Assessment Program to provide assistance and
7 guidance to employers and employees on measures to re-
8 duce significant indoor air health risks.

9 (b) **SELECTION OF BUILDINGS FOR ASSESSMENT.**—
10 An assessment may be initiated in response to a request
11 from any employer or employee (including an authorized
12 representative of the employee) submitted to the Director
13 for a building assessment. In making such voluntary as-
14 sessment, the Director shall have the authority, pursuant
15 to such request, to conduct on-site assessments of individ-
16 ual buildings, including Federal, State, and municipal
17 buildings. In selecting a building for assessment pursuant
18 to such request, the Director shall consider (1) the seri-
19 ousness and extent of significant indoor air health risks,
20 and (2) the potential for the building assessment to ex-
21 pand knowledge of building assessment methods and re-
22 sponse measures.

23 (c) **ASSESSMENT ELEMENTS.**—Assessments shall in-
24 clude, at a minimum, identification of (1) probable signifi-
25 cant indoor air health risks, (2) probable sources and

1 health effects of identified significant indoor air health
2 risks, and (3) in cases where a probable health risk has
3 been identified, measures for eliminating, controlling, or
4 reducing significant indoor air health risks. If there are
5 applicable guidelines under section 3, the measures in-
6 cluded in the assessment shall be consistent with the
7 guidelines, unless the Director adequately explains other-
8 wise.

9 (d) REPORTS.—The Director shall prepare and pro-
10 vide a report to the employer, employees (and the author-
11 ized representative of the employees), and the building
12 owner or representative as promptly as possible.

13 **SEC. 9. DISCLAIMER.**

14 Nothing in this Act shall affect the Administrator's
15 authority under other provisions of law to conduct re-
16 search, development, or demonstration projects relating to
17 indoor air quality or be construed as providing new au-
18 thority to conduct research, development, or demonstra-
19 tions. Nothing in this Act shall be construed as applying
20 to motor vehicles of any kind.

21 **SEC. 10. RELATION TO OTHER LAW.**

22 (a) STATE AND LOCAL AUTHORITY.—Nothing in this
23 Act shall preempt any Federal, State, or local law or rule
24 of law which is more protective of human health than this
25 Act.

1 (b) OCCUPATIONAL SAFETY AND HEALTH.—In exer-
2 cising any authority under this Act, the Administrator
3 shall not, for purposes of section 4(b)(1) of the Occupa-
4 tional Safety and Health Act of 1970, be deemed to be
5 exercising statutory authority to prescribe or enforce
6 standards or regulations affecting occupational safety and
7 health.

8 (c) RELATIONSHIP TO OTHER EPA AUTHORITIES.—
9 The Administrator shall insure that any action under this
10 Act is consistent with, and does not duplicate, actions of
11 the Administrator under other authority of law addressing
12 indoor air quality. Except as provided in section 4, nothing
13 in this Act shall be construed as authorizing the Adminis-
14 trator to exercise any authority to prescribe or enforce any
15 standards or regulations regarding common significant in-
16 door air health risks.

17 **SEC. 11. REPORTS.**

18 Not later than 2 years after the commencement of
19 fiscal year 1996 and every 2 years thereafter, the Admin-
20 istrator shall submit to the Congress a report on the ac-
21 tivities carried out by the Administrator pursuant to this
22 Act.

23 **SEC. 12. RISK ANALYSIS AND PRESENTATION.**

24 (a) GOAL.—It is the intent of Congress that risk as-
25 sessments conducted under this Act be conducted in ac-

1 cordance with sound, unbiased, and objective scientific
2 practices.

3 (b) PUBLIC DOCUMENTS.—The Administrator, in
4 carrying out the Administrator’s responsibilities under
5 this Act, shall ensure that the presentation of information
6 on significant indoor air health risks is unbiased and in-
7 formative. To the extent feasible, documents made avail-
8 able to the general public which describe the degree of risk
9 from exposure shall, at a minimum, characterize the popu-
10 lation or populations addressed by any risk estimates;
11 state the expected risk for the specific population; and
12 state the reasonable range of uncertainty.

13 **SEC. 13. DEFINITIONS.**

14 For the purposes of this Act:

15 (1) The term “Administrator” means the Ad-
16 ministrator of the Environmental Protection Agency.

17 (2) The term “significant indoor air health
18 risk” means a level of indoor air pollutants, or a
19 condition that may result in a level of indoor air pol-
20 lutants, that, based on adequate scientific and tech-
21 nical evidence and measurement, is reasonably an-
22 ticipated to adversely affect human health.

23 (3) The term “indoor air pollutant” means any
24 substance or biological organism which is emitted

1 into, or otherwise enters, air of any kind in a build-
2 ing, structure, or facility.

3 (4) The term “person” includes an individual,
4 a corporation, partnership, association, State, mu-
5 nicipality, political subdivision of a State, and any
6 agency, department, or instrumentality of the execu-
7 tive, legislative or judicial branch of the Government
8 of the United States or of any State and any officer,
9 agent or employee thereof.

10 (5) The term “State” includes the District of
11 Columbia, Puerto Rico, the Virgin Islands, Guam,
12 American Samoa, and the Commonwealth of the
13 Northern Mariana Islands.

14 **SEC. 14. AUTHORIZATIONS.**

15 There are authorized to be appropriated such sums
16 as may be necessary to carry out this Act.

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